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CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 21, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Matt Johnson, County Attorney; Bill Lloyd and Jason Knopp, Great West Engineering; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Donald and Regina Cromer, Melissa Tummier, Rick Abraham, Carl and Elizabeth Bergstrom, Randi Triem

MINUTES

Commissioner Lythgoe moved to adopt the minutes of July 31. Commissioner Notbohm seconded. The motion carried.

CALENDAR REVIEW

8/23 Safety Committee – 9:00
Zoning Commission – 4:00
Health Board – 6:30
8/28 Meet with Bonnie regarding budget – 9:00

COMMISSION REPORTS

COUNTY BUDGET

Commissioner Weber reported that last week he spent a lot of time with Bonnie reviewing the budget. They were making cuts to the preliminary budget, which will be on counter in Bonnie's office on the 29th.

JLDC

Commissioner Lythgoe reported that he attended the JLDC meeting Wednesday. They toured Ash Grove Cement, and it was very interesting to see how cement is made. They also heard an

interesting presentation where they learned that Ash Grove is only one of maybe three major companies that produce cement that are not foreign owned. Ash Grove is a private, family-owned company. They also toured a mushroom operation in Clancy which was very interesting. Most of their time is spent developing mulch. The regular meeting followed.

MTAG

Commissioner Lythgoe reported that he attended the MTAG meeting in Clancy on Thursday. Montana Tunnels has a positive cash flow at this time.

ROCKY MOUNTAIN DEVELOPMENT COUNCIL

Commissioner Notbohm reported that he attended a meeting at RMDC on Thursday. They are currently dealing with start-up issues for beginning of year. They are actively seeking funds for a Boulder Headstart program.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Harold Stepper, County Planner, stated that we finally have some good news on NAHN. They got preliminary plat approval the previous night at the City Council. He has the preliminary plat in mail today to be submitted to DEQ.

Commissioner Notbohm asked Commissioner Weber if there is a list of budget cuts that resulted from his meetings with Bonnie. Commissioner Weber stated that it is mostly little items. He is sending e-mails to all departments to notify them of the cuts. The budget is on the website and the Clerk and Recorder's counter.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL – AMENDED PLAT LOT 17-1 WARM SPRINGS RANCH #1

Mike Hoffman, County Planner, presented his staff report on this 1-lot split east of Clancy divide into two lots ranging in size from 8.96 to 12.17 acres. Mike recommended that final plat approval be granted.

Commissioner Lythgoe moved that final plat approval be granted, seconded by Commissioner Notbohm. The motion carried.

PRELIMINARY PLAT APPROVAL - CARDWELL STORE MINOR

Mike presented his staff report on this minor subdivision north of Cardwell. The parcel contains 35.05 acres to be split into two lots ranging in size from 14.64 to 20.14 acres. He noted that this is subsequent subdivision, so it will be reviewed under major criteria. Parkland dedication is not required for the subdivision. This subdivision will separate the RV park, store and taxidermy business from the waterway and soccer fields. The developer has provided a water supply in the form of ponds for fire suppression, and will need to provide a permanent easement for access to

the ponds. Mike recommended that preliminary plat approval be granted. Commissioner Weber noted that Whitehall is listed as the school district and postal service, and asked if there is any reason why it isn't Cardwell. Mike stated that it appeared from map that the subdivision falls in the Whitehall district, but he could be wrong. Commissioner Weber suggested that Mike contact the school to double-check. Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

FINAL PLAT APPROVAL - KESSNER MINOR

Harold Stepper, County Planner, presented his staff report on this minor subdivision north of Whitehall. The parcel consists of 10.02 acres, to be divided into two lots 5.00 to 5.02 acres in size. There is currently one home on property. Harold recommended that final plat approval be granted. Commissioner Lythgoe moved that final plat approval be granted, seconded by Commissioner Notbohm. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

OPEN BIDS FOR SADDLE MOUNTAIN RID

Three bids presented for consideration. The bids were as follows:

Helena Sand and Gravel

They acknowledge the receipt of addendum #1, winter shut-down with governing body approval and

addendum #2, that the contractor will coordinate with utilities.

Total base bid: \$330,019.00 **additive alternative:** \$17,082.00 **Total:** \$347,839.00

Bid bond included for 10% of amount of bid.

Gruber Excavating

They acknowledge receipt of addendum 1 and 2.

Total base bid: \$299,384.50 **additive alternative:** \$22,275.00 **Total:** \$321,659.50

Bid bond included for 10% of amount of bid.

Bullock contracting

They acknowledge receipt of addendum 1 and 2.

Total base bid: \$320,651.00 **additive alternative:** \$19,800.00 **Total:** \$340,451.00

Bid bond included 10% of bid

Commissioner Weber noted that the three bids were received by time specified. They will be given to the engineer to review and check for completeness.

PUBLIC HEARING – ASSESSMENTS ON PROPERTY WITHIN RID #2503

Commissioner Weber called the hearing to order. Commissioner Lythgoe stated for clarification that this is the South Hills, Holmes Gulch RID. Commissioner Weber stated that the Commission has received several pieces of communication. Commissioner Weber read a letter from Joe and Randi Triem, who live in the South Hills Park subdivision. They stated that all lot owners will be assessed, as well as the parkland. The homeowners association was never notified that parkland would be assessed, so they therefore had no opportunity to protest. The letter is to serve as their formal objection of fees for parkland. A letter was also received from Judge Charles Erdman on the same topic. (Letters on file in the Clerk and Recorder's office.) Judge Erdman noted that he had heard that the county did not intend to assess for the parkland. He request that his letter be considered their formal protest. The Commission also received an e-mail from Karen Sedvy. She noted two potential mistakes – one lot is not owned by Spartan Manufacturing, but by county. Also, a lot at 16 Meadowgrass has been added to subdivision. Commissioner Weber stated that after receiving the e-mail, he sought direction from the County Attorney. Matt's response was that parkland may be included or excluded as a public place. It is up to the Commission and the residents.

Commissioner Weber called for comment.

Randi Triem stated that her letter had been read, but she wanted to appear in person to ask the Commission to make the decision to exclude the parkland from assessment. When she looked at the assessments, she was impressed with the amount of minor subdivisions who didn't have to dedicate parkland or pay cash-in-lieu. The homeowner's association is currently paying taxes for the parkland, and they don't want to add another fee as they are trying to save to put in a water supply. Commissioner Lythgoe asked for the location of the park. It was stated that it is in Crichton's original subdivision.

Commissioner Lythgoe stated that they did pick a time at which everything was looked at, as far as determining parcels within RID, that was January 1 of 2007. Regarding the e-mail indicating a lot that was not included, he thinks that the lot was probably added after that date. Commissioner Weber stated to add to that, new parcels can't be added in the RID, but the RMD portion can be reviewed yearly, so they can be added to that. The RMD has the ability to grow over time.

Elizabeth Bergstrom stated that she lives just off of South Hills Road. She is happy to see something happening, and happy to pay. However, she is concerned that they might not be getting what they are paying for. They had offered in the past to do some work on the road and were told that they would have to do surveys, ditching, culverts, etc. and the cost would be astronomical. They are not seeing this happening with this road; the construction crew is just dumping dirt on the existing roadway with no ditching or culverts. They have some concerns about future maintenance.

Bill Lloyd, Great West Engineering, stated that the intent of project was to overall provide hard surfacing on the road. They will be doing drainage and gravel improvements. Surveys have been

done. In areas where the road is wide enough, they are using the existing roadway as is already compacted. The intent is also to improve drainage through this project. Elizabeth stated that she has talked to a neighbor, and the road is going through their property. If surveys had been done, this would not happen. Bill stated that the intent was not to make this a road reconstruction project, but to improve the existing road. The assumption is that right-of-way is 30 feet on either side of center of the road. A boundary relocation could have cost thousands, so direction was given by the Commission to go with the current road alignment.

Carl Bergstrom stated that he was told that they would not be ditching or putting in culverts. Bill stated that a lot of culverts are going in. He doesn't have a set of plans with him, but a lot of drainage issues are to be addressed. Bill stated that he will get the Bergstrom's contact information and have the project engineer contact him.

Elizabeth stated that they were told that no culverts would be installed in their area. There are drainage issues however. Commissioner Lythgoe stated that one issue is right where South Hills begins and the frontage road work is also being done. This could create a bit of chicken and egg issue. The contractor could be waiting to see what MDT is doing on their project before going in. He stated that he drives the road every day and sees a lot of culverts going in. Not in that area however. There is also no gravel at this point, but they could be waiting for coordination with MDT.

Jason Knopp with Great West noted that approach pipes can also be put in at any time. Just because not they are putting them in at this point, doesn't necessarily mean that they won't in the future. Bill stated that he will have Jeremiah contact the Bergstroms.

Hearing no further comment, Commissioner Weber closed the public hearing.

RESOLUTION 28-2007 RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT
#2503, FINAL LEVY OF SPECIAL ASSESSMENTS

Commissioner Weber read the resolution.

Commissioner Lythgoe asked if they need to deal with the parkland issue first. Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber stated that as for the parkland, it was the intent of the Commission, in conversations with bond council, to excluded parkland and public places. They did exclude some, but missed this one, he thinks because it is owned by the HOA. That being said, he would move that the county use PILT to pay the assessment for the parkland in the South Hills Subdivision. Commissioner Lythgoe seconded. Commissioner Lythgoe asked if they need to use PILT, or if it would be possible to use money from revolving loan fund. He has no problem with paying for it, but not necessarily with PILT. Commissioner Notbohm stated, regarding the amount, he would like to hear what the bottom line would be - hearing that up to three parcels such as this. He also questioned if there is any way to reassess this. Commissioner Weber stated that there isn't at this time. They need to move forward. Bill stated that he can approach the bond council to see how this has been handled elsewhere. Commissioner Weber called for a vote. The motion failed

unanimously. Bill stated that he will get in touch with bond council and see the best way to handle this, as well as any other parcels may have missed. This item will be put on a future agenda. Commissioner Weber stated that the Commission appreciated the input given, and thanked those in attendance for coming down.

DISCUSS AND DECIDE ON MOU BETWEEN JEFFERSON COUNTY, MONTANA CITY VOLUNTEER FIRE DEPARTMENT, DAVE and KATHY CHRISTENSEN and DAVID and ANDREA McKEEVER

Matt Johnson, County Attorney, stated that he has been working on this for a while now. After comments, he has made corrections, and feels that this is the last draft. It appears that all parties are agreeable. They have spelled out maintenance requirements for the homeowners. They will need to contact the McKeevers before any work is done to make sure that trench is in the proper place, and there is also the potential to put utilities in the same trench to be considered. This would be a good thing to do, as the McKeevers have been very helpful.

Rick Abraham, Montana City Fire Chief, stated that they have reviewed the document with their attorney as well. They would like to get the work done as soon as possible. Commissioner Weber asked what equipment is normally used to move tanks. Rick stated that they use a flat bed trailer.

Commissioner Notbohm stated that this is no slight to the Montana City Volunteer Fire Department or Rick, but he does not agree with what is taking place here.

Commissioner Lythgoe asked Matt if he has talked to all parties involved and all agree that the content is appropriate. Matt stated that to the best of his knowledge, all have been contacted and it appears that all are agreeable.

Commissioner Weber moved to sign the MOU between Jefferson County, Montana City Volunteer Fire Department, Christensens, and McKeevers. Commissioner Lythgoe seconded. The motion carried, with Commissioners Lythgoe and Weber voting aye, and Commissioner Notbohm voting nay.

Matt requested that after Commissioners sign the agreement, they have it attested and get it to his office. He will gather signatures from everyone. He would also request that Commissioner Weber get with Bill Lloyd of Great West to get the process underway.

Commissioner Weber stated that he would like to express appreciation to all involved.

DISCUSS GREAT WEST'S SUBDIVISION REGULATIONS PROPOSAL

Commissioner Weber asked Harold if he had a chance to look at two proposals from Great West. Harold stated that he has. He noted that the Planning Board has put a lot of time into revisions. They are getting close but haven't finished yet, mainly due to amount of subdivisions. He would hate to lose input from the board. Also, he has problem with the state model. It was put together

by a group of university students under the direction of a professor. His personal thoughts are, for the extra money, it would be better to use what we have already and add any new statutes.

Commissioner Weber asked Bill to explain differences. Bill stated that there are two proposals submitted to update the current subdivision regulations. The first proposal is to take the existing regulations and modify them, by working with planner and planning board to add new state statute. One of the primary differences is that the other proposal is to take state model and modify it to county's needs. The primary cost difference is that Jefferson County doesn't have an electronic model. They would need to input the entire document before they can modify it. Great West has recently completed subdivision regulations for several other counties. He can fully understand Harold's concerns with the amount of time put in by the Planning Board.

Commissioner Weber asked Matt if he had any input.

Matt stated that what the County Attorneys keep being informed of at MACo is that we should have model regulations. The Planning Board has put in a significant amount of time. We need model regulations, and we can add our information to the model. They are put together with the purpose of conforming with state guidelines.

Commissioner Lythgoe stated that he is assuming that no matter which way we go – all of the information compiled by the Planning Board would be integrated or looked at in developing regulations. Bill stated that this is the intent. He agreed with Harold, in that some areas of the state model aren't ideal. However, they are adopted by the state. If they have a developer that bounces around, he will have fairly reasonable expectation of what is expected. Either way, the county will have an updated set of regulations.

Commissioner Lythgoe agreed that the regulations will be specific to Jefferson County either way. The big difference is that the state model is electronic. He asked Bill as he went through the model regulations with Madison County, if they found instances where they didn't follow statute, or just odd things. Bill stated that he really needs Jim from his office here to respond to that. He has heard from several planning departments that there is no possible way that the standard regulations put out will satisfy everyone. Regardless, they will be Jefferson County's regulations. If they use the standard, the format will be the same as the other, but will be specific.

Commissioner Weber stated that in talking to MACo, they did stress using the standard regulations for liability issues. He asked about the County Attorney's association? Matt stated that they have had roundtable discussions where it was stressed by MACo that counties should be using the model regulations. Every time the legislature changes something, they need to amend the model regulations.

Commissioner Weber told Harold that he is slightly torn. He honors what he and the Planning Board have done attempting to keep up. At the same time, it seems appropriate to him to use the state model and move everything good from our regulations into that document. He asked if they could do this. Harold stated that they have a Planning Board meeting the following night, and he

plans to bring this up. Also, the growth policy is up for review next year. He would like to move both forward at the same time. He would like to start on the growth policy early and get both done as a unit. They would have one public hearing on both, and people will have a better idea of how they correlate together.

Commissioner Lythgoe stated that he would make a recommendation that they give some direction to Great West to also include the growth policy. Commissioner Weber asked if he had any direction as to which model to use. Commissioner Lythgoe stated that Great West is going to use what Harold and the Planning Board have put together either way. They should use the state model, on the computer. Bill stated that if they decide to move forward with growth policy at the same time, it would also be a cost savings, with joint public hearing, etc. Commissioner Weber asked Harold if he feels pretty strongly that they should be doing joint subdivision regulations and growth policy. Harold stated that per state regulations, the documents need to agree with each other. Also, the annexation issue isn't resolved, and the growth policy will affect that. Commissioner Lythgoe stated that we can't anticipate what direction that will take at this time. We can't hold up this process for that. We will have to deal with that when it comes up. He asked Bill if the model regulations will include the road standards, fire mitigation, etc.

Bill stated that the road standards have been given to Joe Carter. The model regulations don't necessarily address road standards, but road standards will be a part of the subdivision regulations. Commissioner Lythgoe noted that the fire departments are also supposedly coming forward with recommendations that will also become part of the subdivision regulations. They really want this to be all-inclusive. They need to make sure that it is understood that all are interconnected. Bill stated that it makes sense to develop them concurrently; it will be the most efficient.

Commissioner Weber asked if two weeks is too soon to develop a proposal to work on the growth policy also. Bill stated not at all. Commissioner Lythgoe stated that he prefers that the policy be on the thinner side. Bill stated that there is the possibility of funding for growth policy updates. He will research and would be happy to submit application if that is a possibility.

Commissioner Notbohm asked that as the subdivision regulations stand now, ours versus the state, if there is much difference. Bill answered that he would need Jim to answer that. The format is different, but he is not sure about content. Harold stated that it basically comes down to format, as all regulations have to follow state law. Commissioner Weber stated that this will be back on the agenda for September 4 for a decision, as well as the growth policy work.

Harold stated that this will give him an opportunity to discuss this with the Planning Board at the meeting the following night. He also hopes to have the Planning Board members involved. Bill stated that he wants input from Planning Board members.

APPOINT FIRE TRUSTEE

Commissioner Lythgoe stated that due to the resignation of Jackie Colombe from the Basin Fire Trustee board, there is currently a vacancy on the Basin Trustee Board. An application was received from Susie Hartman. Commissioner Lythgoe moved to appoint her at this time. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER